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ASSEMBLY — 36TH SESSION
TECHNICAL COMMISSION

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEM 30

The attached material on Agenda Item 30 is submitted for consideration by the Technical Commission.

Agenda Item 30: Other safety matters**30.1 Language proficiency requirements**

30.1.1 The Commission reviewed A36-WP/151 that provided a progress report presented by the Council of ICAO on the implementation of the language proficiency requirements and proposed a draft resolution to mitigate the impact of a delay in compliance by some States with the language proficiency requirements in Annex 1. Pilots who do not meet the language proficiency requirements would require specific permission from other States to operate in the airspace under their jurisdiction. States that would not comply by the applicability date of 5 March 2008 would be urged to develop implementation plans that include interim measures to mitigate risk and make their plans available to all other States. The Secretary advised the Commission that should the resolution be agreed to, a series of workshops would be held in each ICAO Region to assist States in developing their implementation plans. The Resolution also proposed that ICAO establish globally harmonized language testing criteria. The Secretary also stated, that an ICAO language testing endorsement scheme, as proposed in A36-WP/151 was not included in the budget.

30.1.2 The Commission considered A36-WP/68, presented by the International Federation of Air Traffic Controllers' Associations (IFATCA), in which IFATCA expressed concern that many States were not progressing at an acceptable pace with respect to timely implementation of language training. IFATCA requested that the importance of this programme be reinforced to States and that States not install language deficiency reporting schemes that institute regimes of blame that would be counter-productive to aviation safety.

30.1.3 Through A36-WP/183, the International Aeronautical Federation (FAI) and the International Council of Aircraft Owner and Pilot Associations (IAOPA) indicated that some States will not be capable of testing and certifying all of their licensed pilots and air traffic controllers prior to 5 March 2008. It called for a reconsideration of the IAOPA petitions to modify the language proficiency Standards for VFR operations and delay the applicability date of the requirements until the full impact of the Standard had been assessed. The paper also called for the establishment of standardized testing and a simplification of the testing procedures.

30.1.4 A proposal was made to exempt pilots operating under VFR in uncontrolled airspace from the ICAO Operational Level 4 requirement. There was support for the proposal; however a majority was opposed to such an exemption.

30.1.5 One Delegate expressed his support for the transition plan proposed by the Council in the draft resolution attached to A36-WP/151. However, it was noted with concern that implementation of the plan through an Assembly Resolution would not guarantee that each Contracting State would accept pilots that do not comply with the Level 4 proficiency requirement, even when the State that issued the licence had posted its implementation plan on the ICAO website. It was therefore recommended that the transition plan be implemented through an amendment to Annex 1 in order to benefit from the international recognition provided under Article 33 of the Convention. Although there was some support for this approach, the Commission recognized that it may not be possible to amend Annex 1 prior to the applicability date of 5 March 2008 and that the resolution provided a practical way forward.

30.1.6 Concern was also expressed over resolving clause 2 of the proposed resolution concerning the establishment of globally harmonized language testing criteria. However, there was also support for the timely establishment of an ICAO system to endorse language testing services as a means to support States in their uniform implementation of the language proficiency requirements.

30.1.7 The need for advance information concerning States' implementation plans or their compliance with the language proficiency requirements was recognized.

30.1.8 In view of the discussion, the Commission submits, for adoption by the Plenary, the following resolution:

Resolution 30/1: Proficiency in the English language used for radiotelephony communications

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Contracting States have made substantial efforts to comply with the language proficiency requirements by 5 March 2008;

Recognizing that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Recognizing that some Contracting States will require additional time to implement the language proficiency provisions beyond the applicability date;

Whereas in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered; A36-WP/151 TE/36, Appendix A, page A-2.

The Assembly:

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;
2. *Directs* the Council to support Contracting States in their implementation of the language proficiency requirements by establishing globally harmonized language testing criteria;
3. *Urges* Contracting States that are not in a position to comply with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the Associated Practices below and ICAO guidance material;
4. *Directs* the Council to provide guidelines to States on the development of implementation plans, including an explanation of the risk mitigation measures so as to enable Contracting States to post their plans as soon as practicable, but prior to 5 March 2008;
5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO Language Proficiency Requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States;
6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States;
7. *Urges* Contracting States to provide data concerning their level of implementation of the Language Proficiency Requirements when requested by ICAO;
8. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and
9. *Declares* that this resolution supersedes Resolution A32-16.

Associated Practices

Contracting States that are not able to meet the Language Proficiency Requirements by 5 March 2008 should:

1. Develop implementation plans for the Language Proficiency Requirements that include the following:
 - a) a timeline for adoption of the Language Proficiency Requirements in their national regulations;
 - b) a timeline for establishment of language training and assessment capabilities;
 - c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the Language Proficiency Requirements is achieved;
 - d) a procedure for endorsing licences to indicate the holders' language proficiency level; and
 - e) designation of a national focal point in relation to the English language proficiency implementation plan;
2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website as soon as practicable, but prior to 5 March 2008;
3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and
4. Publish differences to the Language Proficiency Requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

30.2 Aerodrome matters

30.2.1 The Commission reviewed A36-WP/14, presented by Council on the global implementation of aerodrome certification requirements in Annex 14 — *Aerodromes*, Volume I — *Aerodrome Design and Operation*. Underscoring the importance of aerodrome certification in the face of an increasing trend towards greater autonomy and privatisation of aerodromes, the report highlighted the lack of progress in the implementation of aerodrome certification requirements, including aerodrome Safety Management Systems (SMS).

30.2.2 In A36-WP/169, Airport Council International (ACI), while noting the conclusions of A36-WP/14, presented ACI activities related to airport safety and proposed a set of actions to address the issues raised.

30.2.3 A36-WP/220, presented by China recommended the amendment of the scope of the provision contained in Annex 14, Volume I, and the inclusion of provisions dealing with new airport-related business, such as information management systems at aerodromes. Furthermore, it proposed that ICAO study the possibility of developing more SARPs on apron markings and signs, to review provisions relating to obstacle restriction. The delegate from China further suggested that ICAO consider upgrading to SARPs status the safety management guidance in the *Manual on Certification of Aerodromes* (Doc 9774) and in the *Airport Services Manual* (Doc 9137).

30.2.4 The Commission, noted the relatively low level of implementation of aerodrome certification, including SMS, and urged States to undertake certification of aerodromes, as a matter of priority and to ensure that SMS are introduced at their aerodromes. The Commission also noted the suggestions for ICAO to conduct additional workshops/seminars on aerodrome certification and aerodrome safety management system, including uniform, harmonized guidance on the latter.

30.2.5 The Commission welcomed ACI's offer to work with ICAO to further enhance the level of implementation of aerodrome certification, and:

- a) agreed that the number of aerodromes which have been certified, and the number which have implemented safety management systems should be increased speedily;
- b) called on regulators to follow the SARPs of Annex 14, Volume I, and avoid excessive and costly over-regulation;
- c) agreed that States should encourage the sharing of safety lessons; and
- d) that ICAO Council should consider a review of the specifications for all aerodrome reference code up to E following the study of the specifications in Annex 14 for Code F.

30.2.6 The Commission agreed with the intent of the ACI recommendation for States to develop regulatory provisions requiring aircraft operators and handling agents to report all incidents and accidents occurring at airports, but, felt that such a requirement was in fact part of the implementation of SMS at airports.

30.2.7 The Commission noted the proposals in A36-WP/220 and agreed to refer them to the Council for action, as appropriate.

30.2.8 The Commission noted the information provided by China in A36-WP/219 and A36-WP/221 about its management of wildlife hazard at airports and measures taken to develop and implement SMS at airports, respectively. The Commission also noted information provided by India in A36-WP/160 concerning implementation of Annex 14, Volume I requirements on certification of aerodromes in India.